

III. REMARKS

Claim 20 now recites that the product is executable and embodied in a computer readable medium. Thus it is directed to statutory subject matter.

Claims 1, 2, 4-6, 8, 9, 11, 12, 14-16, 18 and 20 are patentable under 35 U.S.C. 103 over Hammond in view of Koichi.

The present invention discloses and claims a license control means that is arranged to control that the user has a right to use a certain service. Particularly, the present invention deals with a situation wherein the user entity has bought a certain amount of licenses and the license manager is arranged to keep track that the user entity can use only the bought amount of software instances, all as recited in the independent claims.

Hammond discloses a firewall solution using two stacks and a port manager for binding a port. A security monitor is coupled to the port manager to monitor messages from the client for conformance to predefined conditions and to prevent further routing of non-conforming messages. Further, Hammond discloses a transparent security proxy for unreliable message exchange protocols.

The Examiner argues that the security monitor 226 and port manager 224 are equal to license control means and the protocol stack respectively. However, as it is clearly visible from cited figure 2, port manager 224 is not a stack. The system according to figure 2 comprises two separate stacks. The stacks are arranged to communicate with the security monitor via the port manager.

Hammond discloses an advanced implementation of a firewall component. It does not have license management, nor does it suggest implementation of such management.

Similarly, Koichi also fails to disclose these features. Thus, even if Hammond and Koichi are combined, the result is not the present invention since the abovediscussed license management features would also be missing from the resulting combination. Independent claims 1, 11 and 20 all recite "...controlling that the number of reserved licenses does not exceed the number of purchased access right licenses", which as pointed out above is not in the references. Thus the rejection of the above claims should be withdrawn.

Claims 3, 10, 13 and 19 are not unpatentable under 35 U.S.C. 103 over Hammond in view of Koichi and Pepe.

Similarly, Pepe fails to disclose the above features. Thus combining it with Hammond and Koichi fails to result in the present invention. Also Pepe addresses the problems of latencies (column 5, lines 4-6) and the fact that a normal world wide interface does not receive unsolicited transmissions (column 5, lines 26-29). Thus there is no teaching to combine it with Hammond to solve the problems solved by the present invention (controlling right of access) in the first place, see In re Bigio, 72 USPQ2d 1209, 1212.

Hence the rejection of claims 3, 10, 13 and 19 should be withdrawn.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$50.00 is enclosed for the additional claim fee. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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